

Entered - 11/05/98 - sb
CL - 98L0727 GWENDOLYN BURNS

00- R-1905

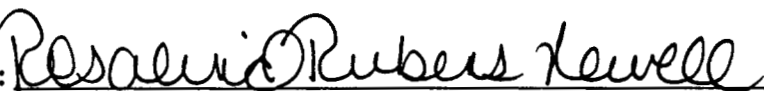
CLAIM OF: WILLIAM MCCANT
2369 Campbellton Road
Atlanta, Georgia 30311

For damages alleged to have been sustained as a result of a property damage incident on August 13, 1998 at 2369 Campbellton Road, SW.

BY PUBLIC SAFETY AND LEGAL ADMINISTRATION
COMMITTEE:

BE IT RESOLVED by the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **WILLIAM MCCANT** the sum of **\$816.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a property damage incident on August 13, 1998 at 2369 Campbellton Road, SW as is more particularly set forth in the within claim; said sum taken from and charged to account 2J01/529017/T31001, Settlement of Suits and Claims, Department of Law.

APPROVED: SUSAN PEASE LANGFORD
CITY ATTORNEY

BY: 
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 98L0727

Date: November 16, 2000

Claimant /Victim WILLIAM MCCANT
BY: (Atty) (Ins. Co.) _____
Address: 2369 Campbleton Road, SW, Atlanta Georgia 30311
Subrogation: _____ Claim for Property damage \$ 2,593.26 Bodily Injury \$ _____
Date of Notice: 10/21/98 Method: Written, Proper X Improper _____
Conforms to Notice: O.C.G.A. §36-33-5 _____ X Ante Litem (6 Mo.) _____ X
Date of Occurrence 8/13/98 Place: 2369 Campbleton Road, SW
Department WATER Division _____
Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant's sustained damage from a water leak when the city failed to correctly replaced a meter cut off valve during a road widening project.

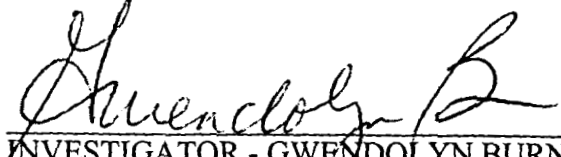
INVESTIGATION:

Statements: City employee X Claimant _____ Others _____ Written _____ Oral X
Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X
Traffic citations issued: City Driver _____ Claimant Driver _____
Citation disposition: City Driver _____ Claimant Driver _____

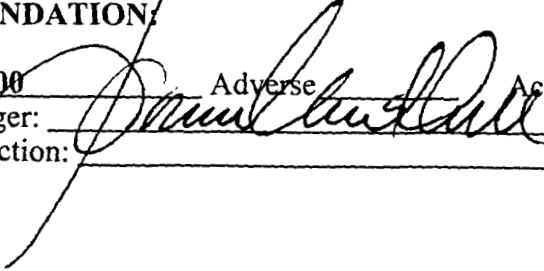
BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial X
Improper Notice _____ More than Six Months _____ Other _____ Damages reasonable X
City not involved _____ Offer rejected _____ Compromise settlement X
Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____
Claimant Negligent _____ City Negligent X Joint _____ Claim Abandoned _____

Respectfully submitted,

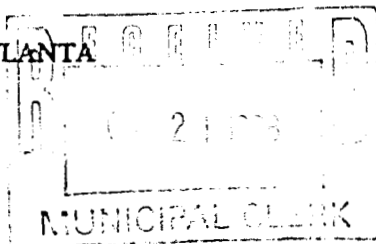

INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ 816.00 Adverse _____ Account charged: 1A01 _____ 2J01 X 2H0 _____
Claims Manager:  Concur/date 11-17-00
Committee Action: _____ Council Action _____

Burns
10/30/98

COUNCIL OF THE CITY OF ATLANTA
CLERK OF COUNCIL
City Hall
55 Trinity Avenue, S.W.
Atlanta, Georgia 30335



RE: CLAIM FOR DAMAGES

Today's Date: October 12, 1998
ENTERED - 11-5-98 - SB
98L0727 - GWEN BURNS

Dear Clerk of Council:

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2593.26 property and/or \$ _____ bodily injury for which I contend the City is liable.

1. Date of incident: 8/13/98 - PRESENT
(month/day/year)
2. Police called: _____
Yes No
3. Location of incident: 2369 CAMPBELLTON ROAD SW
4. Name of your insurance company: SAINT PAUL FIRE & MARINE Policy No. RPO 6633923
5. State what and how incident occurred: DURING THE WIDENING OF CAMPBELLTON ROAD THE CUTOFF VALVES WERE INCORRECTLY REPLACED WITH OUTFLOWED PARTS RESULTING IN A WATER LEAK I HAD TO REPAIR
6. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!
7. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).
Your vehicle: _____
(make) (year) (tag number) (driver's name)
City vehicle: _____
(make) (City driver's name) (department/bureau)
8. Witness: _____
(name) (address) (telephone number)
9. The acknowledgement of this claim in no way waives the Governmental immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and/or its employee(s).
10. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE
INFORMATION IS TRUE AND CORRECT.

William McG. Cant
(claimant's name)

2369 CAMPBELLTON RD
(address)

ATLANTA, GEORGIA 30311
(city and state)

404 349-9576 404 346 0033
(work number) (home number)

GENERAL RELEASE AND INDEMNIFICATION

CLAIM NUMBER 98L0727

\$ 816.00

IN CONSIDERATION of the sum of EIGHT HUNDRED AND SIXTEEN AND 00/100
 DOLLARS, to be paid by the CITY OF ATLANTA, the future receipt of which is hereby acknowledged,
I do hereby, for myself, my heirs, executors, administrators, and assigns, release and forever discharge said City,
its officers and employees, from any and all claims, demands, actions, causes of action, suits, damages, loss and
expenses, of whatsoever kind or nature for or on account of anything that has heretofore occurred, and particularly
for or on account of a property damage incident
which occurred on or about the 13th day of August, 1998,
at or near 2369 Campbellton Road SW

It is further understood and agreed that the payment of the above named sum is not to be considered as an
admission on the part of the City, its officers, agents, servants or employees, of any liability whatsoever and the
undersigned further covenants and agrees to indemnify and hold harmless the City of Atlanta, its officers, agents,
servants and employees, from any and all claims, damages or costs which the said City of Atlanta, its officers,
agents, servants and employees, may be called upon to make as a result of the event hereinbefore referred to.

And I now state that the only consideration for my signing this release and indemnification is the payment
of the sum stated above; that no other promise or agreement of any kind or nature has been made to or with me by
said City or its agents to cause me to sign this release, and that I fully understand the meaning and intent of this
instrument.

WITNESS my hand and seal this 17th day of November, 20 00.

William McCant (LS)
William McCant

The above release was read and explained to, and signed by the said William McCant
(William McCant)

in our presence on the date above written.

Quendolyn
Quinn
WITNESSES

00- R-1905